

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Hale et al.)	
)	Examiner: Haghghatian, M.
Serial No.: 10/719,899)	
)	Group Art Unit: 1616
Filing Date: November 20, 2003)	
)	Confirmation No.: 4055
For: Respiratory Drug Condensation Aerosols)	
and Methods of Making and Using Them)	
)	

September 17, 2007

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TERMINAL DISCLAIMER

Alexza Pharmaceuticals, Inc., having a business address at 1020 East Meadow Circle, Palo Alto, California, 94303, is the owner of the entire interest in the instant application, and hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 and 173, as presently shortened by any terminal disclaimer, of prior United States Patent No(s). 7,090,830 and 6,682,716 and which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on pending United States Application Serial No(s).10/696,959 and 11/504,419. The Owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and United States Patent No. 7,090,830, issued August 15, 2006, and United States Patent No. 6,682,716, issued January 27, 2004, and any patent granted on pending United States Application Serial No. 10/696,959, filed on October 30, 2003, and pending United States Application Serial No. 11/504,419, filed on August 15, 2006, are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the

grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 and 173 of the prior patents, as presently shortened by any terminal disclaimer, or any patent granted on pending United States Application Serial No(s). 10/696,959 and 11/504,419, as shortened by any terminal disclaimer filed prior to grant in the event that the prior patents or the patent issuing on United States Application Serial No(s). 10/696,959 and 11/504,419 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a re-examination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

The undersigned hereby authorizes the charge of the terminal disclaimer fee of \$65.00 or any deficiency of fees to be charged to deposit account No. 19-5117.

Respectfully submitted,

Date September 17, 2007

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